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& LIONE

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: September 2, 2005 Name: Tadashi Horie (Reg. No. 40,437) Signature: Tadashi Horie

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Motoharu MIYAKE et al.

Appln. No.: 10/743,635

Filed: December 22, 2003

For: TRANSMISSION CONTROL METHOD
AND SYSTEM

Examiner: To Be Assigned

Art Unit: 2641

Attorney Docket No: 9683/162

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Supplemental Information Disclosure Statement, Copy of Japanese Office Action, Form PTO-1449, 2 Cited References (B1 and B2)
- ☒ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(_____).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

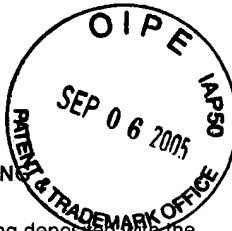
Fee payment:

- ☐ A check in the amount of \$_____ is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

September 2, 2005
Date

Tadashi Horie
Tadashi Horie (Reg. No. 40,437)



CERTIFICATE OF MAILING

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September 2, 2005

Date of Deposit

Tadashi Horie Reg. No. 40,437

Name of Applicant, Assignee or
Registered Representative

Signature

September 2, 2005

Date of Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Motoharu MIYAKE
Hiroshi INAMURA
Taro ISHIKAWA
Kazuhisa YOKOTA
Osamu TAKAHASHI

Appln. No.: 10/743,635

Filed: December 22, 2003

For: TRANSMISSION CONTROL
METHOD AND SYSTEM

Attorney Docket No: 9683/162

Examiner: To Be Assigned

Art Unit: 2641

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, and more particularly in accordance with 37 C.F.R. §1.97(b), Applicants hereby cite the following references:

FOREIGN DOCUMENT NUMBER Number-Kind Code (if known)	DATE	COUNTRY
H07-123079 A	05/12/1995	Japan
2002-354010 A	12/06/2002	Japan

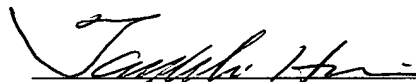
Applicants are enclosing Form PTO-1449 (one sheet), along with a copy of each listed reference for which a copy is required under 37 C.F.R. §1.98(a)(2). References B1 and B2 were cited in an Office Action issued in the counterpart Japanese application. A copy of the Office Action is attached to this Statement. References B1 and B2 are in Japanese. Applicants are submitting an English abstract for each of the references. Applicants respectfully request the Examiner's consideration of the above references and entry thereof into the record of this application.

By submitting this Statement, Applicants are attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 C.F.R. §1.56(a).

Applicants have calculated no fee to be due in connection with the filing of this Statement. However, the Director is authorized to charge any fee deficiency associated with the filing of this Statement to a deposit account, as authorized in the Transmittal accompanying this Statement.

Respectfully submitted,

September 2, 2005
Date


Tadashi Horie (Reg. No. 40,437)

BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, IL 60610
(312) 321-4200

拒絶理由通知書

COPY

特許出願の番号	特願 2 0 0 3 - 4 3 0 4 4 8
起案日	平成 1 7 年 5 月 3 0 日
特許庁審査官	安藤 一道 3 0 4 8 5 K 0 0
特許出願人代理人	川▲崎▼ 研二 (外 1 名) 様
適用条文	第 2 9 条第 2 項

この出願は、次の理由によって拒絶をすべきものである。これについて意見があれば、この通知書の発送の日から 6 0 日以内に意見書を提出して下さい。

理 由

この出願の下記の請求項に係る発明は、その出願前日本国内又は外国において頒布された下記 of 刊行物に記載された発明又は電気通信回線を通じて公衆に利用可能となった発明に基いて、その出願前にその発明の属する技術の分野における通常の知識を有する者が容易に発明をすることができたものであるから、特許法第 2 9 条第 2 項の規定により特許を受けることができない。

記 (引用文献等については引用文献等一覧参照)

【請求項】 : 1, 3 ~ 7, 1 4, 1 5

【引用文献】 : 1

【備考】 :

引用文献 1 には、統計データに基づいて、ラウンドトリップ時間の $1/2$ をしきい値に設定し、確認応答信号がいずれのデータブロックに対応する確認信号であるかを判別する事が記載されており、本願の請求項 1, 3 ~ 7, 1 4, 1 5 に係る発明は、引用文献 1 に基づいて容易になし得たことに過ぎない。

拒絶の理由が新たに発見された場合には拒絶の理由が通知される。

引 用 文 献 等 一 覧

1. Mark Allman, Vern Paxson, On Estimating End-to-End Network Path Properties, ACM SIGCOMM'99, 1999年, p. 263-p. 274

先行技術文献調査結果の記録

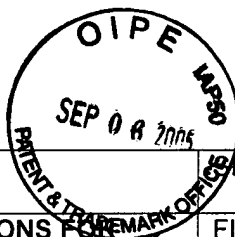
- ・ 調査した分野 IPC第7版 H04L29/00
- ・ 先行技術文献
特開平07-123079号公報
特開2002-354010号公報

(この先行技術文献調査結果の記録は、拒絶理由を構成するものではない。)

この拒絶理由通知書について問い合わせがあるとき、または、この出願について面接を希望されるときは、以下までご連絡ください。

連絡先 特許審査第四部 デジタル通信 安藤 一道
(電話) 03-3581-1101内線3554 (FAX) 03-3501-0699





FORM PTO-1449	SERIAL NO. 10/743,635	CASE NO. 9683/162
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (use several sheets if necessary)	FILING DATE December 22, 2003	GROUP ART UNIT 2641
APPLICANT(S): Motoharu MIYAKE et al.		

REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	B					
	B					
	B					
	B					
	B					
	B					
	B					
	B					

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
	B1	H07-123079 A	05/12/1995	Japan		Abstract
	B2	2002-354010 A	12/06/2002	Japan		Abstract
	B					
	B					
	B					

EXAMINER
INITIAL

OTHER ART – NON PATENT LITERATURE DOCUMENTS

(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.

	B	
	B	
	B	
	B	
	B	

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.